

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Danny Stallone, Code Compliance Official/954-693-8353

PREPARED BY: Russell C. Muniz, Town Clerk

SUBJECT: Resolution

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: MORATORIUM - AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF LOCAL BUSINESS TAX RECEIPTS, FORMERLY KNOWN AS OCCUPATIONAL LICENSES, FOR THE OPERATION OF "PAIN CLINICS" AND/OR "PAIN MANAGEMENT CLINICS" FOR A PERIOD OF 180 (ONE HUNDRED EIGHTY) DAYS PENDING A STUDY OF REGULATORY SAFEGUARDS ENACTED IN OTHER JURISDICTIONS.{**Approved on First Reading on January 6, 2010. The vote is as follows: Mayor Paul - absent; Vice Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes.**}

REPORT IN BRIEF: At the December 2, 2009 Town Council meeting Council directed staff to do some research relating to the regulation of Pain Clinics. The attached draft ordinance could be used to create a moratorium until such time that all legal issues concerning the regulation of these business is concluded, and applicable code language is developed.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Additional Comments:

RECOMMENDATION(S): Other - Item is being placed on the agenda for discussion purposes.

Attachment(s): Draft moratorium ordinance.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF LOCAL BUSINESS TAX RECEIPTS, FORMERLY KNOWN AS OCCUPATIONAL LICENSES, FOR THE OPERATION OF “PAIN CLINICS” AND/OR “PAIN MANAGEMENT CLINICS” FOR A PERIOD OF 180 (ONE HUNDRED EIGHTY) DAYS PENDING A STUDY OF REGULATORY SAFEGUARDS ENACTED IN OTHER JURISDICTIONS.

WHEREAS, The Town of Davie has an interest in the health, safety, and welfare of the citizens of Davie; and

WHEREAS, the Town has an interest in protecting neighborhood integrity through the regulation of surrounding businesses; and

WHEREAS, neighboring areas have seen an influx of “pain clinics” or “pain management clinics” that have operated as “fronts” for the dispensing of unnecessary prescription narcotics; and

WHEREAS, the Town of Davie desires to be pro-active in attempting to prevent and strictly regulate the establishment of such businesses in the Town; and

WHEREAS, the Town believes that by establishing the moratorium for 180 (one hundred eighty) days on the issuance of local business tax receipts for “pain clinics” or “pain management clinics” the Town may be permitted to research and study various regulatory options; and

WHEREAS, the Town Council desires to minimize and control the adverse effects of such businesses and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; and preserve the property values.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent

provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2010

PASSED ON SECOND READING THIS ____ DAY OF _____, 2010

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2010